

Argentina

NAVIGATION OF PARANÁ AND URUGUAY RIVERS

Treaty signed at San José de Flores July 10, 1853

Senate advice and consent to ratification June 13, 1854

Ratified by the President of the United States July 5, 1854

*Ratified by the Argentine Confederation July 12, 1853, and December 20, 1854*¹

Ratifications exchanged at Paraná December 20, 1854

Entered into force December 20, 1854

Proclaimed by the President of the United States April 9, 1855

10 Stat. 1001; Treaty Series 3²

TREATY FOR THE FREE NAVIGATION OF THE RIVERS PARANÁ AND URUGUAY, BETWEEN THE UNITED STATES AND THE ARGENTINE CONFEDERATION

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and Countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the Rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation.

With this object they have named as their Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation;

¹ For provisions regarding ratification, see art. IX.

² For a detailed study of this treaty, see 6 Miller 211.

And His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the Rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the National Authority of the Confederation.

ARTICLE II

Consequently the said vessels shall be admitted to remain, load and unload in the places and ports of the Argentine Confederation which are open for that purpose.

ARTICLE III

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

ARTICLE IV

A uniform system shall be established by the competent authorities of the Confederation, for the collection of the custom-house duties, harbor, light, police and pilotage dues, along the whole course of the waters which belong to the Confederation.

ARTICLE V

The High Contracting Parties, considering that the Island of Martin Garcia may, from its position, embarrass and impede the free navigation of the Confluents of the River Plate, agree to use their influence to prevent the possession of the said Island from being retained or held by any State of the River Plate or its Confluents which shall not have given its adhesion to the principle of their free navigation.

ARTICLE VI

If it should happen (which God forbid) that war should break out between any of the States, Republics or Provinces of the River Plate or its Confluents, the navigation of the Rivers Paraná and Uruguay shall remain free to the merchant-flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead and cannon balls.

ARTICLE VII

Power is expressly reserved to His Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay, and the Oriental State of Uruguay, to become parties to the present Treaty, in case they should be disposed to apply its principles to the parts of the Rivers Paraná, Paraguay and Uruguay over which they may respectively possess fluvial rights.

ARTICLE VIII

The principal objects for which the Rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

ARTICLE IX

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by His Excellency the Provisional Director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation for their approbation.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof the respective Plenipotentiaries have signed this Treaty and affixed thereto their seals.

Done at San José de Flores on the tenth day of July in the year of Our Lord one thousand eight hundred and fifty three.

ROB^t C. SCHENCK [SEAL]

JN^o PENDLETON [SEAL]

SALVADOR M^a DEL CARRIL [SEAL]

JOSÉ B. GOROSTIAGA [SEAL]